

# DECISION



29319  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-216323

DATE: September 17, 1984

MATTER OF: Management Data Communications Corporation

## DIGEST:

1. GAO Bid Protest Procedures were established for the purpose of considering protests over the award of contracts by agencies of the federal government whose accounts are subject to settlement by GAO and in some limited circumstances protests over the award of contracts by federal prime contractors. GAO will not consider a protest that essentially involves a dispute between private parties.
2. GAO will not consider matters that involve contract administration, nor will it consider protests filed more than 10 working days after the protester became aware of its basis for protest.

Management Data Communications Corporation (MDC) protests the award of a contract by Blue Cross/Blue Shield of Utah to Pennsylvania Blue Shield. The contract is for Medicare data processing services. According to MDC, Pennsylvania Blue Shield obtained its equipment and expertise under a contract with the Health Care Financing Administration (HCFA) (a component of the Department of Health and Human Services). MDC asserts that this contract prohibits Pennsylvania Blue Shield from either using its position as a Medicare contractor to further its private interests or from using information and materials in performing the contract to promote its private interests. We will not consider this protest.

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subject to settlement by this Office. 4 C.F.R. 21.1(a) (1984). In some limited circumstances we will consider protests over the award of a subcontract by a prime contractor of the federal government. Optimum Systems, Inc., 54 Comp. Gen. 767 (1975), 75-1 CPD ¶ 166. This, however, is not such a case. Moreover, to the extent MDC relies on portions of the contract between Pennsylvania Blue Shield and the Health Care Financing Administration that allegedly support its assertion that Pennsylvania Blue Cross should not have received this award, we point out that this is a matter of contract administration in HCFA and not the proper subject of a bid protest. C.R. Daniels, Inc., B-207937, July 1, 1982, 82-2 CPD ¶ 13.

Finally, this protest is untimely in any event, because it was filed 15 working days after MDC became aware of its basis for protest--the award of the contract to Pennsylvania Blue Shield. Our Bid Protest Procedures require such protests to be filed (received at GAO) within 10 working days. 4 C.F.R. 21.2(b)(2).

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel